

IN THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA, HARRISBURG DIVISION

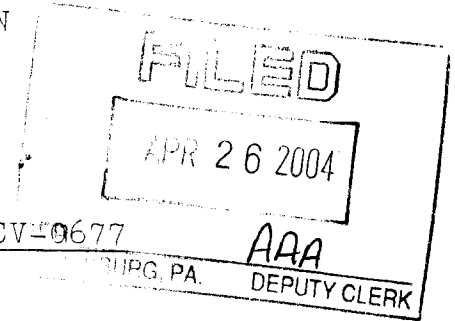
Emanuel T. Newman,
Plaintiff,

-Vs-

Ronald L. Jury., S.I.S. et al.,
Defendants,

Case no. 01-CV-0677

(Judge, Conner)



PLAINTIFF'S RESPONSE TO OBJECTION TO HIS
MOTION TO MODIFY / RESTRICT PEREMPTORY CHALLENGES

Comes Now, Emanuel T. Newman, plaintiff PRO-SE (hereinafter Newman), and submits his response to defendant's objections to Modify/restrict the use of peremptory challenges/

Newman has alleged in his 1983/1331 Bivens action that he made staff aware of a murder plot against his person by members of the D.C. Boys prison gang, and through the deliberate indifference of the prison staff after they had confirmed said plot and returned him to general population, that he was attacked by a member of said prison gang, which resulted in a permanent injury to his field of vision in his left eye.

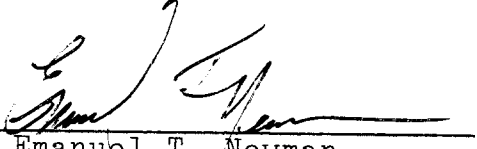
In support thereof Newman states the following:

This case is set for jury selection on May 24, 2004 at 9:30 A.M. in the Federal Courthouse.

Pursuant to the Federal Rules Of Civil Procedure Rule 47, and title 28 U.S.C. § 1870, the Congress of the United States has empowered this court with the authority to decide the number of peremptory challenges. "Allocating six peremptory challenges to plaintiff and six defendant-third-party plaintiff and two third party defendants, thus allowing parties defendants two each, was not an abuse of discretion in multiparty civil cases." Fedorchick v. Massey-Ferguson, Inc, 557 F.2d 856 (3rd.Cir.1978); "Trial judge has discretion as to the number of peremptory challenges." Smith v. Pressed Steel Tank Co., (D.C.Pa.1975, 66 F.R.D. 429, affirmed 524 F2d 1404)

Therefore, plaintiff moves this court to use it's own discretion in deciding the correct number of peremptory challenges to be issued in this case before the court.

Respectfully submitted by,



Emanuel T. Newman
13418-039
Plaintiff pro-se
F.C.I. Oxford
P.O. BOX 1000
Oxford, Wis 53952-1000

Date April 19, 2004

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Emanuel Thomas Newman,

Vs.

Ronald L. Jury, et al,

Civil no. 1:CV-01-0677

CERTIFICATE OF SERVICE

I, Emanuel Thomas Newman, pursuant to title 28 U.S.C. § 1746, do hereby upon my oath state that I have served all parties to this civil action via the United States Mail Service, of copies of the attached documents.

This 19 day of April, 2004.

By, Emanuel Thomas Newman
Emanuel Thomas Newman

Copies to: U.S. Attorney
316 Federal Building
240 West Third Street
Williamsport, PA 17703

U.S. DISTRICT COURT
CLERK OF THE COURT
228 WALNUT STREET
HARRISBURG, PA 17101*
17108

MANUEL T. NEUMAN
3418-039

Federal CORRECTIONAL INSTITUTION
O. Box 1000
Ford, wis 53952-1000

LEGAL MAIL

CLERK OF THE COURT
UNITED STATES DISTRICT C
MIDDLE DISTRICT of Pennsylv
228 WALNUT STREET
HARRISBURG, PA 17108

